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ABSTRACT

PATTERNS are a series of seminars intended to study questions and problems of interest to both community/junior colleges and the Rochester Institute of Technology. These proceedings are the second in the PATTERNS series. This seminar focused on particular aspects of state versus local control and/or coordination of higher education as it affects the public and private two-year colleges in New York State. These proceedings contain the following: Acknowledgments; Introduction; Program; Addresses--"Trends and Implications; State Control Versus Coordination of Higher Education" by Robert D. Cahow, and "Trends and Implications; State Control Versus Coordination of Higher Education" by William G. Dwyer; Reactions by Fr. S. Theodore Berg and Alfred M. Hallenbeck; and a bibliography. (DB)

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PROCEEDINGS OF THE

PATTERNS SEMINAR
March 6, 1974

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Thanks are also extended to the participants from two-year colleges, other four year institutions, and RIT, without whom, there would have been no seminar.

David E. Hooten
Director, Office of Articulation
Editor of Proceedings

INTRODUCTION

PATTERNS is a series of seminars intended to broach questions and problems of interest to both community/junior colleges and Rochester Institute of Technology. In addition, it is intended that through joint discussion, resolution of these questions and problems will not only come about, but that the student educational process will be enhanced.

The second in the PATTERNS series was held on March 6, 1974, at Rochester Institute of Technology. Guest resource persons were Dr. Robert D. Cahow, Dr. William G. Dwyer, Rev. S. Theodore Berg and Mr. Alfred M. Hallenbeck.

Each of the speakers addressed particular aspects of state versus local control and/or coordination of higher education as it affects the public and private two-year colleges in New York state. Briefly, Dr. Cahow stated the case from the viewpoint of local control, while Dr. Dwyer argued the case for statewide control. Mr. Hallenbeck and Rev. Berg reacted from the standpoint of a two-year college trustee and a vice-president of a private two-year college, respectively.

P A T T E R N S

A Seminar Series Presented by
Rochester Institute of Technology
Center for Community/Junior College Relations

SEMINAR #2 - March 6, 1974

CONSULTANTS:

Dr. Robert Cahow
Executive Secretary
Michigan Community College Association

Dr. William Dwyer
President
Massachusetts Board of Regional Community Colleges

REACTORS:

Rev. S. Theodore Berg
Vice President
Trocaire College

Mr. Alfred M. Hallenbeck
Past President
Association of Boards and Councils Of the Two-Year Colleges (New York State)

COORDINATION AND CONTROL (STATE, REGIONAL LOCAL) OF PUBLIC AND PRIVATE HIGHER EDUCATION: With Implications for the Various Two-Year Colleges in New York State.

P R O G R A M

Meeting Place: RIT College-Alumni Union

2:00 - 3:30 p.m.	Registration and Faculty Visits
	Informal conversations will be held with the various departments to share thoughts relating to the discipline and to articulation
3:30 - 5:00 p.m.	Presentations by Robert Cahow and William Dwyer
	Reactions and Questions by Father Berg and Mr. Hallenbeck
	Responses by the Consultants
5:00 - 6:00 p.m.	Reception (Cash Bar)
6:00 - 7:00 p.m.	Dinner (Reservation Form Enclosed)

TRENDS AND IMPLICATIONS
STATE CONTROL VERSUS COORDINATION
OF
HIGHER EDUCATION

Robert D. Cahow, Executive Secretary
Michigan Community College Association

INTRODUCTION

Anyone reading the profusion of studies on state control versus state coordination of higher education will invariably find the following observations or concerns expressed in each:

1. That the need for an improved system of planning and coordination of higher education is clearly evident. The major question is not whether higher education should be planned and coordinated, but by whom and to what degree or extent should such responsibilities be exercised.
2. That systems for planning and coordination of higher education presently in effect range on a continum from patterns of voluntary cooperation to structures for statewide governance, that voluntary coordination has never achieved entirely satisfactory results where it has been tried and statewide governance seems not a desirable solution to recommend at this time.
3. That the system appropriate in any state at a given time depends upon the types of responsibilities expected of or assigned to the coordinating agency.
4. That a form of planning and coordination exists in the state, but it is certainly not fully effective from the viewpoint of all parties concerned with higher education.
5. That ways can and should be found to provide for improved planning and coordination without unduly restricting the autonomy of institutions over their internal affairs.

6. That there is little reason to believe that an effective system of planning and coordination can be devised without limiting in some manner the autonomy of the established institutions.

TRENDS IN STATEWIDE COORDINATION

Berdahl, in his major study, Statewide Coordination of Higher Education (American Council on Education, Washington, D.C., 1971), categorized state higher education boards and agencies into four types. Other writers have subsequently used the Berdahl categories, although the terminology used and sometimes the details of the definitions have varied. The four groupings are as follows:

1. Single Statewide Governing Board For All Institutions. Under this arrangement, a single governing board for higher education is established, responsible for all institutions in the state. The board has both (1) governing responsibilities for each individual institution and (2) responsibility for statewide planning and coordination for higher education. Theoretically, this arrangement should facilitate effective statewide planning and coordination since there would not be competition between governing boards. Actual experience frequently suggests that the boards become so involved in the immediate problems of individual institutions that there is little time left for long-range planning or coordination. This arrangement is both the oldest and newest, because of the fact that it was adopted by about a dozen states prior to 1940 before there were any statewide agencies of the type, to be described later, was not adopted by more than 3 or 4 states during the next 25 years (1940-65) when "coordinating-only" boards came into popularity, and now, recently, has enjoyed a new surge for popularity, 6 or 7, as states have felt it necessary to tighten their control over higher education.

2. Coordinating-Only Boards With Regulatory Powers.
Between 1940 and the late 1960's, 25-30 states adopted a form of coordination under which the institutional governing boards remained undisturbed, but a new statewide higher education coordinating board was established, responsible for certain specifically named activities. Although the legal responsibilities of these agencies vary in each state depending upon the wording of the law, the general areas for which they have responsibility are:
    a. Long-range planning for higher education in the state.
    b. Review of academic programs and other activities, expecially major ones.
    c. Review of budgetary requests for operation and requests for capital construction.
    d. The collection, analysis, and publication of information about higher education.
    e. Recommending the establishment of new institutions.
    f. Recommending the major "roles" which should be assigned to each institution in the state whether it be a complex graduate and professional institution serving the entire state, or a regional institution emphasizing undergraduate work with certain graduate level offerings short of the doctorate, or a comprehensive community college, or a technical institute.

A Coordinating-Only Agency with Regulatory Powers is an agency which has legal authority to require institutional compliance with its recommendations. Interestingly, Berdahl's study showed that when such coordinating agencies had regulatory powers, the board membership was predominately made up of lay people rather than institutional representatives, presumably in order to best represent statewide interest and prevent conflict of interest.

3. Coordinating-Only Agencies with Advisory Powers.
These agencies are similar to the coordinating-only agencies

with regulatory powers except that they lack authority to enforce their recommendations. Their recommendations are submitted to the institutions, the governor, and the legislature, and the normal political process then operates to determine the outcome.

4. Voluntary Coordination

No state relies solely on voluntary coordination now. During the 1950's and '60's, 8 to 10 states developed voluntary agencies in an effort to stage off the establishment of constitutional or statutory ones. Voluntary agencies consisted of institutional representatives who attempted to accomplish objectives similar to those which might be achieved through a coordinating agency with advisory powers. Some were temporarily successful, but none were sufficiently so to prevent the establishment of a legal state agency. Some of the voluntary agencies have continued in existence as advisory bodies to the state agency and have served effectively in this capacity.

Berdahl's study identified 19 states with governing boards, 14 states including Massachusetts and New York with coordinating boards with regulatory powers, 13 states including Michigan with coordinating boards and advisory powers, and the remaining 4 relying upon voluntary coordination (2) or independent action.

The situation has changed somewhat since then, but these figures indicate the general picture. The trend has been toward stronger state agencies. Voluntary arrangements have become statutory; advisory boards have been given regulatory powers; and some coordinating boards have recently been replaced by statewide governing boards. There seems to be no doubt about the national trend toward reasonably strong state higher education agencies. There is still debate over whether the movement will inevitably carry most states all the way to a single governing board.

RECOMMENDED COORDINATION FUNCTIONS

A reading of a number of the recent studies and statements on higher education coordination reveals general concensus to the

conclusion that a state-coordinating agency may be expected to carry out certain generalized functions in the interest of efficiency and economy as well as effective service to the people. These include:

1. an information retrieval function
2. an evaluation function
3. a general planning function
4. an advisory function
5. a regulatory function
6. an administrative function

Under certain circumstances, such an agency might be required to carry out an accredition function with respect to certain types of new programs, new institutions, or new services.

Non-Responsibilities of State Coordinating Boards

The theme addressed recently by the Carnegie Commission on Higher Education with reference to institutional independence is one well understood and generally accepted. In effect, it is agreed that the authority of the state, exercised by a coordinating agency, except under unusual circumstances, must not interfere with an institution's internal operation. Certain specific areas of activity and concern should be presumed to fall outside the range of functional responsibility assignable to a state agency. At the very least, relative institutional independence should be preserved in reference to the following:

1. Personnel decisions, including faculty appointments, promotions and tenure decisions; the appointment, assignment, and conditions of employment of non-academic employees, the appointment of administrative officers, including the president.
2. Academic decisions, including those relating to the content of curriculum and the establishing of degree requirements; decisions relative to the introduction, alteration, or deletion of specific courses of study (but not major new

programs). This would include also the scheduling of cultural events and speakers from off campus and content decisions on institutional publications, not excluding those edited by students.

3. Admission and retention of students (except as may be contained by reference to general policy decisions made affecting the nature of institutional roles), the conduct of student affairs, including standards of discipline, and the provision of student services.
4. Faculty assignments, teaching schedules, decisions on academic salaries, and other conditions of academic appointment.
5. Decisions on research topics and areas of scholarship, as well as for support and conduct thereof.

We would suggest further that all other areas of decision making common to higher education institutions, unless limited by the specific authorities granted to the state coordinating agency or exercised by the governor and/or the legislature, be understood to rest with the boards of control of the community colleges, colleges, and universities concerned.

Coordination Versus Control In Michigan

Coordination rather than control of higher education in Michigan is a basic fact of life, but it has taken place and is now taking place with limited effectiveness and essentially apart from the avowed legal authority and responsibility of our present state board of education.

Recognizing the need for improvement of procedures, the governor in mid 1972 announced his intent to appoint a special commission to study the extent of and the problems of coordination under Michigan's 1963 constitution, a document which its drafters thought would adequately provide for effective coordination of all public education in Michigan.

The State Board of Education's immediate response to the governor's announcement was to point out that it, the Board, by constitutional provision and mandate was responsible for the general planning and coordination of all public education including higher education. The state board sought to establish its exclusive jurisdiction over public education. It took a series of off-the-record meetings between the executive office and The State Board of Education to avert a court determination of the right of the governor to undertake a study of higher education in Michigan.

The Governor's Commission on Higher Education came into existence in early 1973.

The governor's charge to the commission covered many points, included were questions of cost, quality, efficiency, equity and availability.

Since few, if any, of these questions could be resolved without examining the issue of institutional autonomy versus centralized controls at the state level, the commission naturally turned its attention to that problem first. In the course of its meetings, it heard or received written presentations from students of the governance of higher education, faculty, students, governing boards, academic and professional associations and others.

The differences among commission members as to where wisdom lay on the thorny question of autonomy versus state control centered around two problems: (1) can a satisfactory level of coordination be achieved by giving a central state agency recommendatory, as distinguished from mandatory, power, and (2) if a recommendatory system is not entirely satisfactory, will a mandatory system with its inevitable cost in dollars and bureaucracy, be more satisfactory?

Since these questions could not be examined as if they existed in a vacuum, the commission found it necessary to re-study some of the background of higher education in Michigan.

In the 1963 state constitution, both the State Board of Education and the governing boards of the 2-year and 4-year institutions were recognized. The State Board was told that it should "serve as the general planning and coordinating body for all public education, including higher education, and (should) advise the legislature as to the financial requirements in connection therewith." But at the same time, and in the same section, the existing 4-year college and university governing boards, which were specifically recognized elsewhere in the education article of the 1963 constitution, were told that: "The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section." And, in a different section in the same article, the existing governing boards of the public 2-year colleges were told that "the legislature shall provide bylaws for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards."

Since there was a certain ambiguity resulting from the side-by-side position of these clauses in the consitution, the State Board of Education and the governing boards of the individual institutions have differed in their interpretation of their respective powers. The State Board took, and takes, the position that it cannot act as an effective planning and coordinating body unless it has the power to require institutions to comply with its orders. The governing boards, on the other hand, take the position that they cannot exercise control over their institutions and direct the proper expenditure of funds if there is another agency above them which can countermand their orders.

Because of conflicts between the State Board of Education and the legislature on this matter as well as the governing boards of the institutions, no adequate opportunity has ever been provided to see whether a state board which exercised only the power of recommendation could operate effectively. The State Board has felt obliged to insist that its orders were mandatory, and the governing boards have felt equally obliged to insist that they were not. This is not a friendly climate for cooperation, nor is it one which is likely to lead to mutual respect.

In addition to the continuing conflict over authority between the State Board of Education, the legislature and the institutions, the State Board has not been successful in recruiting a staff with a thorough, practical, knowledge of the governance of higher education, with established credibility, and having the professional respect of governing boards, administrators and faculties. This, in turn, has made it more difficult for the board to accomplish even limited results in the coordination of higher education.

Given the nature of the conflict between the state board and the institutions, it was inevitable that the courts would be called upon to assess the merits of their respective positions. There have been a series of such cases over the years, the most recent of which involved the three largest universities - the Universities of Michigan, Michigan State, and Wayne State - against the State of Michigan and the Michigan State Board of Education. This case, which was resolved in favor of the universities in the trial and appellate courts, is now pending before the Michigan Supreme Court and will doubtless be decided some time within the year. In this case, the lower courts have held: "The constitution gives the board the authority to plan and coordinate. It does not state that the board can make rules and determinations that are binding either on the plaintiffs (the universities) or the legislature."

Since the governor's commission has been asked to state its views on the question of coordination at a time when a final decision on the respective powers of the state board and the universities has not been rendered, it is at a disadvantage. All it can do in this circumstance is state what it believes wise policy to be, leaving to the Michigan Supreme Court the decision as to whether this is what the current constitution means. In making its policy recommendations, the commission, nevertheless, has operated on the theory that the law as stated by the original and appellate courts is applicable. On this theory, the State Board of Education has a power of recommendation with respect to the planning and coordination of higher education but does not have the power to mandate.

The Merits of Recommendatory Versus Mandatory Powers

It is understandable that the citizens of the state of Michigan and other state should expect their educational system to compare favorably in costs with other state systems, to be of equal or superior quality, to be equitable in its cost structure, to be available to its people wherever they live, and to be efficient in the operational sense.

In applying these criteria, it is unreasonable to expect perfection, and intolerable to excuse mediocrity simply because it is the equal o other systems.

We believe it is fair to say that no individual or group has argued before the commission that the cost-effectiveness or quality of higher education in Michigan is exceeded by that of a state in which there is a strong central control system. We find nothing in the cost figures which have been submitted which suggests that Michigan costs are out of line. Indeed, it may be that the question which the commission will need to ask in its later deliberations is whether the state is putting enough into education as compared with other states.

On the question of quality, hard evidence is difficult to supply. It is common knowledge that Michigan boasts some of the finest academic institutions in the country, and there has been no suggestion that they are exceeded in quality by institutions in states which have a strong system of central controls.

The difficult and troublesome question is whether, despite the cost-effective, high-quality system of higher education which Michigan possesses, there are deficiencies which could be cured by a strong system of centralized control at the state level.

No one will argue that the Michigan system is perfect. There are problems. But it is wrong to assume that there are presently no instrumentalities for dealing with these problems, or that the existence of a strong state agency will cure them.

We are aware that other states, confronted with these same problems, have frequently rushed off in the direction of state controls. Sometimes such a trend becomes a stampede, people forget why they were interested in the problem in the first place, and compete to get in the company of the Joneses. The commission believes that the course which the state of Michigan takes should be decided on the basis of what is best for the state of Michigan, not what some other states have concluded is best for them.

Duplication, which is sometimes said to be one of the evils of an autonomous system, is presumed to be bad because it offers an example of two or more institutions offering the same course in the same area at the same time when perhaps one course, from either of them, would be sufficient. It is a curious fact that if this happened in our economic system, we would say it was a good thing because either only the better product would survive the competition or the consumer interest would increase enough to accommodate both. Observers, especially critics, of higher education often conclude that because competing courses are offered, one of them must be excess. In fact, if there is not interest in one or the other of the courses, one or both will disappear.

Nor are the horrors of proliferation usually up to expectations. Because several institutions in Michigan have been competing for state funding of an additional law school, and, because the state board has no power to mandate which shall be awarded the school, it is assumed that the state is powerless to reach a decision. In point of fact, though the advocates of new schools at various locations have proceeded with vigor to advance their cause, no additional law school has yet been funded. This illustrates a very important point about the coordination of education. There is a control at the funding level. The legislature can, and does, force programs to be reduced or eliminated by its unwillingness to fund them. That power will remain whether a state board of education has recommendatory or mandatory powers.

In the testimony which several of the budget analysts from the executive and legislative offices gave before the commission, they stress that what their employers (the Governor and the members of the Legislature) needed was objective, analytical advice. Thus if a number of institutions asked for a new law school, or if various institutions wanted to implement health care programs, their problem was one of whether manpower demands warranted such a program, where it should be located, how large it should be, whether a given institution was adequately staffed to offer it, etc. The decision, however, was one which they viewed as ultimately resting in the hands of the principals, i.e., the Governor and the legislature. Did they, or did they not, wish to fund such programs? Were there higher priorities within the state for available dollars?

Our analysis of the original questions with which we have struggled has now come full circle. Will a recommendatory, as distinguished from a mandatory system, work? And if it will inevitably suffer from certain imperfections, will they be greater than those which will accompany a mandatory system?

We admit that there has never been a fair trial of whether a recommendatory system will work in the state of Michigan. Because the constitutional ambiguity threw the State Board of Education and the governing boards into instant conflict, their relationship was forged in mutual suspicion and conflict. Whether they could have evolved a workable relationship if the institutions had known that the board had simply a power to make known its views and recommendations, we shall never know.

There are those who argue that boards with recommendatory powers have not worked in other states, and therefore will not work in Michigan. Aside from monetary cost, it is well known in the academic world that an inevitable bureaucracy accompanies such a system. This is not bad because evil people staff such bureaucracies, but because time is essential if reviews are to be conducted. Ultimately, one must ask whether the value of the additional time and frustration to those responsible for and who want to get on with the educational process is worth the occasional winnowing out which takes place in the review process.

It is our belief that the acknowledged imperfections of the Michigan system are more likely to be resolved satisfactorily by a state board which has the authority to persuade through the power of its argument than by one which has the power to force others to comply with its wishes.

CONCLUSION

Having considered the various ways and means employed by the people and their legislative bodies to establish a system for the improved planning and coordination of higher education, after having identified the powers and responsibilities, as well as limitations, which should be controlling on such a system, the suggestions and observation in the concluding paragraphs of Berdahl's study of statewide coordination seem appropriate. Paraphrased, they are:

1. There should be constitutional autonomy from state administrative controls for all "mature" institutions with the condition, however, that there be explicit provision for statewide coordination of program development.

2. That the essential protection of autonomy must come from a coordinating agency which combines effective action with deep sensitivity to academic values.

3. That an incidental value thereto will be that an effective coordinating agency will help to reassure the state that its essential interests are being protected and will thereby make it more willing to grant institutions constitutional autonomy from state procedural controls.

I would also like to share with you the following observation regarding statewide coordination by another student of governance, Harry Porter, Executive Secretary, Middle States Association of Colleges and Secondary Schools:

About Statewide Coordination

"At the (state level) let us acknowledge one self-evident truth: Namely, that there is no virture in coordination for its own sake. Controls are justifiable only where liberty is unlikely to assure accomplishment of the organization's goals. A second truth, of a lower order, is that no one really wants to be coordinated; Although it may be said that most of us are able to develop a considerable enthusiasm for the coordination of others."--Harry W. Porter, Executive Secretary, Middle States Association of Colleges and Secondary Schools.

From AGB Notes, Association of Governing Boards of Universities and Colleges, Vol. 4, No. 9, November-December, 1973.

TRENDS AND IMPLICATIONS
STATE CONTROL VERSUS COORDINATION
OF
HIGHER EDUCATION

William G. Dwyer
President, Massachusetts Board of Regional
Community Colleges

I am delighted to be here and to be a participant in this workshop. However, I was feeling a little uncomfortable as I heard the comments that were being made about state control and the bureaucrats who run boards of state control for it so happens that my title indicates that I am the president, which is the chief executive officer, of such a board for community colleges. I have had experience in private institutions and when I was at Muskegon Community College in Michigan it was still under the local school board -- a miserable arrangement. In New York State, the community college which I served was under the jurisdiction of the county and, in that case, the college had been given some fiscal responsibility so that everything did not have to go through their County Board of Supervisors. There were 37 Supervisors in Orange County, and I was a part of those who, in 1960, heard about a monster that had been created the previous year in the State of Massachusetts; that monster was surfacing in the form of a single state board that was going to rock all the community colleges in the state. We in New York knew perfectly well that any such arrangement resulting in a board that was completely divorced from the community would make it impossible for any president to make judgements on the edicts which would be passed down from on high by a bureaucrat in the central office and would preclude any initiative or personal interest, really, that the president might have in the community in which he was to serve. That great ethereal state board would be less sensitive to the needs of the community; the manpower needs of the service region of that community college.

It is rather interesting why this structure got started. It so happens that this was done in 1928 by a famous educator named Zuck who recommended that there be community colleges established in Massachusetts. That was in 1928, and as is the custom of many states, several studies were made.

In 1958 there were a few people who, fortunately, felt that maybe Zuck was right several years before. They looked at the structure of community colleges around the country and felt that there was something lacking. Furthermore, there was one situation in Massachusetts which was rather unique. That was, the Commonwealth enjoyed the highest property tax in the nation. To impose an additional tax for the support of community colleges would not be, politically, the way to have legislation passed which would establish a system of community colleges in the state. The result was that the community college concept went to the voters having complete state support. (Of course, wherever the money is, that is where the control is, and anybody who believes that any one board can control any college campus has not been on a college campus. I would defy anybody with such aspirations to give it a try for a while.)

I have to confess to a complete conversion from my very critical attitude about Massachusetts which had been my home at one time, to that of being very supportive at least of the kind of state control that we have in Massachusetts.

I would call to your attention that there are various kinds of state control. I am referring now to community colleges alone, and in recent years there are now ten or 12 states which have a single board determining, theoretically, how every community college is run. As more money goes into state funding the greater is the cry for the state to have a greater hand in the control of those educational institutions. It is interesting to ask, why? Obviously the state is concerned about how the money is being spent, and whereas education has been on the "gravy train" for the last ten or twelve years, we are now being upstaged by welfare, for example, and the scandals that are coming out about the expenditures

of welfare - maybe there will be a lesson learned from that and money, at least, will not go into highways with the gasoline shortage, but there will be some other state responsibility which will receive attention unless people in education can show that they are providing the services which they themselves know that they are doing but the public knows nothing about. For example, it is not uncommon to drive into a town where there is a new community college and ask the local gas station attendant where the community college is located and the person has never heard of it.

The kinds of state control, however, vary so much that it is very difficult to generalize. There is the state, for example, where the community college wants to start a new program; the president writes to the central office, he sends a syllabus; that is it. At the other extreme he may be given a complete curriculum from a state unit of one kind or another.

We might look to the other side of the country, to California, which certainly has provided the greatest leadership for community college growth in a very responsible manner. In California, where the community college started as an extension of the secondary school, it was considered a part of the secondary school system and we have seen a transition now to the point where they have come from that phase to the other end where there is even more state control as the state has put in more and more money and has assumed a much higher percentage of the total cost of the operation. My conversion, I would like to think, has been a philosophical one. I must admit though, that I recognize when a state is just starting on a program that here is an opportunity for a state to have a system of comprehensive community colleges, that there is an opportunity to make sure that a maximum return on the tax dollar is achieved. I think all of us are getting even more sensitive to making sure that that tax dollar is responsibly spent.

It is also possible, on the demographic basis, to determine how many community colleges should be built and where they should

be located, what sizes they should be, what the minimum enrollment should be after a given period of years, and believe me, this is tremendously important, an opportunity to develop comprehensive educational programs.

Statewide planning also makes possible the establishment of priorities that will be necessary in a state, give direction to the allocation of those priorities in terms of the location of a college, and provide the kind of stimulation for educational growth which might not occur if the college operated in isolation with its own board.

Another factor which is tremendously important is in the area of finance. In the case of a completely state-funded operation it does not make any difference whether the community college is located in a very wealthy area or whether it is in the slums. Equalization of the tax base can be very important to quality education.

It has been disturbing to me to see that local pride and enthusiasm plus some political pressure can determine whether or not a community college should be established and where it should be located. A local board is not always the fit source of information or in a position to be determining which curriculum should be offered or where the program emphasis should be placed. I am afraid that too frequently we see that 'me-too'ism' where somebody gets a dental hygiene program and, "gee, why don't we have a dental hygiene program." That is rather prestigious these days, and besides, there are more people interested in hygiene than almost anything else, and you can keep your enrollments up that way. This, then, becomes a device and is not based on sound educational practice. The local board, I think, frequently comes out parochial in its interests and in giving direction to a particular community college. It frequently loses sight of the overall picture and, in terms of using those pressures, the state tax dollars. A state board, also, with its staff, provides a kind of protection for a president, and regardless of the type of administrative structure under which the college operates, there are local pressure within the community or within the board and there are vested interests

which do influence what happens.

If left to the influence of the individual institutions, I think we have a mood of irresponsibility and empire building which is not consistent with good state planning which means recognition of the best use of tax dollars. We have been talking about this work for a long time. It is nothing more than accountability, and it is public accountability that we have got to be worried about. I see the next ten years really as the golden years. If we do not coordinate what we are doing, whether it is on a voluntary or mandatory basis, I think we are going to be missing the boat completely. I mentioned earlier that we know what we are doing; we know the services that we are providing but the public does not know and the public elects the legislators and the legislators usually, in the first analysis, determine how much money education is going to get. We have constricted those services to the student who ordinarily would have come into our doors; we have not opened the doors wide enough as yet, nor have we publicized this opening enough as one of our responsibilities to convince anybody that we are doing anything more than has ever been done by public institutions of higher education for a long time. It is only if we develop that open access that we become more productive with the product we turn out. Only in this way are we going to get the kind of public support which I think we really deserve.

REACTION

Fr. S. Theodore Berg
Vice President, Trocaire College

Mr. Hallenbeck and I have decided to take somewhat different approaches in our reactions. I will make some anecdotal comments, and he will give you an historical approach.

I found it interesting to view the different types of State Boards, i.e., regulatory, advisory, governing, or voluntary. Especially interesting was the types of control and the different ways control is exercised. It reminded me of what happened in New York State some years ago when the Regents and State Education Department were concerned with consolidating elementary and secondary school districts. They decided that the local school districts should have something to say about whether or not they wanted to consolidate, but also the Regents and the State Education Department should have something to say about consolidation. The Regents and the Education Department solved this by saying to individual districts: "We want you to consolidate; that's part of our long range plan; that's our master plan. In fact, we want these particular districts consolidated with certain other districts --and this is to be done. Of course, if you want to stay the way you are, that's up to you--go ahead; but if you will consolidate we will increase your state aid formula." As soon as they put the dollars where their intentions were, lots of districts consolidated. These districts have been living with consolidation for a number of years--and getting used to it.

Let me comment on the notion of competing institutions. The notion is that if one or another of these competing institutions have a good program, the good program will keep going; if both have poor programs they will both die for lack of customers. If such a situation would happen in the general realm of American life we would say this is good competition and the best salesman and the best product will receive customers. Personally, I like that concept. It is part of the American way--competition does allow

better products to thrive. We embrace this notion very strongly in the private sector and we would say that if there is a good program of study at a particular college, people will like it and it will stay alive--in good health. There will be a lot of customers. The problem we have in implementing this notion is that students do not come with the same buying power, and the products are priced at different levels. Students come with a different number of dollars in their hands, and purchase different products--depending upon their family background. Thus the competition is already heavily weighted in the direction of the public college. We in private education, feel strongly that if students had equal buying power, they and/or their families would make decisions about the product they want to support based on the product--not on the cost. In that circumstance, they would not be forced into supporting a product that simply might be cheaper--more within their means. If more student aid were available so that students had a significant number of dollars with which to make decisions, then we, in the private sector, are convinced that we could offer a product in which they would be interested. If there were not products of interest, the products, (i.e., programs of study) would wither on the vine.

My final comment has to do with the so called advantages of a strong central system of control. We, in the private sector, want to believe that the Regents and the State Education Department have an equally favorable view of both their children (the public sector and the private sector). However, we sometimes feel that when decisions get to the Regents' level or the State Education Department level then favoritism is shown to one child over the other. I share this with you as being just a feeling which sometimes arises in the private sector. Let me use the initiation of new programs of study as an example. If a program of study is proposed by the Trustees of the State University--after it has come up through the recommendations of a local college--it seems that it is much easier to get an affirmative nod to the request than it

would have been if the request had come from a private institution. There are many examples where a private institution which is making a request for a new program is subjected to very strong scrutiny. They want to know if we have made a study that shows there is need. Is there real financial ability to support the program? How many people are going to be educated? Are these people going to have jobs afterwards? Other questions are raised. Finally there is more "homework", and it takes two or three years of reapplication before a program of study can be started. In the public sector, on the other hand, a local community college can decide on a program in March, announce it immediately, and offer it in September. The program which the public college thus initiates may well be similar to, or even identical to, one which is undergoing the extensive, protracted, required study and scrutiny in the private sector.

REACTION

Alfred M. Hallenbeck
Attorney and Member of the Board of Trustees,
Monroe Community College

Thank you, and I really congratulate you, Dr. Rinehart, and RIT for bringing us together. I have always been fascinated, since my days in law school, with the study of comparable law. I think that there is a great deal that can be learned from studying comparative systems including systems of education, governance in education, and finance in education, and this gives me, personally, one of my first opportunities to participate with people of other jurisdictions and other persuasions in examining the very real problem that exists here in New York today.

Unfortunately, I suspect that many people both in the community college movement and the public at large, are not quite aware of the very serious considerations being given today, particularly on this very issue of the governance, finance, and control of the New York State Community College system. I think it might be helpful for you in considering the remarks of Dr. Dwyer and Dr. Cahow to reminisce with me a little bit about what has gone on in New York particularly in the past five or six years and I think that I can speak, at least for that period of time, from personal knowledge and it will give you an appreciation of where we stand today in attempting to resolve this issue of finance and governance and control so eloquently expressed by these two eminent professionals.

I suppose that some of you may know that the community college movement in New York began, I believe, back about 1950, or perhaps a little earlier, basically in response to the GI returning from World War II. In those days we talked in terms of the technical institutes in Erie, in Buffalo, in the Hudson Valley, in Troy, in Broome, and Binghamton where three of the earlier, if not the earliest, technical institutes were created in response to the GI boom.

That development is interesting and it should be retained in the backs of your minds because the community college law

which now governs the 38 community colleges in this state actually was written in 1950, and it was written in response to that demand and to that need at the time. We now have from that early beginning, as I said, the 38 community colleges of the state, six of which are located in the city of New York, and 32 of which are located outside the city of New York. Under the educational law today, which was born over 20 years ago and which has not been significantly changed since that time, we have four agencies or four institutions which are involved in the governance and finance of the community colleges. At this point let me digress and simply footnote by saying I am not going to directly refer to the six colleges in the city of New York who are in a very peculiar situation by virtue of their relationship to the City University and the New York City Board of Higher Education. My comments and my remarks are going to be applicable outside the city of New York.

Outside the city of New York, of course, the public community colleges have a relationship with the State University and that relationship is rather unique. The State University Board of Trustees has power to approve the president. They are also empowered to approve programs and curricula but they are not empowered to initiate programs which relate to needs expressed by a community for certain kinds of education. The State is powerless to compel local college reaction to those needs. The State University trustees have traditionally not become too involved in budget, at least insofar as finance and operations in the management of a community college is concerned. There is no detailed budget analysis review of operating budgets on the state level so I think it is fair to say that up to this point they have stayed out of finance. On the other hand, the county which is the sponsoring agent of the community college must approve budget and at this point we get all kinds of different variations of budgetary approval from line item kinds of approaches in certain counties to programmatic approaches in other counties. Some counties are terribly meticulous in requiring justification for the slightest expenditure, some counties are very generous and it certainly depends, I think you can show, on the wealth of the particular county. The approach in Monroe is

vastly different from that in Jefferson. The county, also, by virtue of the Taylor law which came into being a few years ago is now the employer and that presents another role because now the county, by law, is called the employer of both professional and the non-professional staffs and, therefore, we are dealing with county in its role as approving contracts and approving salaries, approving all of the range of things that are now embodied in professional contracts as well as non-professional contracts.

The county's role in program is tied specifically to budgetary approvals so counties can say whether or not you can have a nursing program or a dental hygiene program. It is hard for them to initiate action but at least they can veto action program-wise. Then the state of New York, outside the State University, of course, is involved from the point of view of approving by state budget the mandated support which is now given to community colleges. This varies from 33 1/3% of operating budgets in about two or three counties to approximately 40% of operating budgets in colleges which adopted the "full opportunity" program which was a "Rockefellerism" of about two or three years ago.

Finally, we come down to the board of trustees of the college which is composed of nine people who are appointed by the governor for nine year terms and five of whom are elected by the local county legislatures and the powers of that board, subject to what I have already said, are quite varied. They do have the legal obligation to elect or appoint a president, they have the responsibility of initiating budget which involves them with program considerations. They do act, in most cases, as agents for the county in terms of being employer and they are, of course, on the firing line in terms of facing the community in terms of students, faculty, parents, employers and the like. We have a very varied pattern of governance and finance and control in the state and I am giving this as a very broad background.

Let me recall for you quickly what happened in the last six years and try and deal with this problem of governance and control

of community colleges. In 1968 Charles Nelson issued a three inch report which was jointly sponsored by the Board of Regents, the State University, and the governor's office but I am not sure whether because of the recommendations or lack thereof, or the mere weight of the report, it did not get a lot of attention and, as a result, not much happened after Charles Nelson wrote his famous report. He dealt with the kinds of things which I have just described very briefly and the kinds of things you can imagine grow out of this rather chaotic system of governance of the community colleges. As a result of the lack of action and as a result of the prompting on the part of trustees across the state and particularly, and notably, on personal insistence of the first president of MCC, LeRoy V. Good, I tried to draft something which I thought would bring order out of chaos and in 1970 I prepared a bill which, like the Nelson Report, was reduced to paper and that is about all. It was never introduced in the legislature but it did create some controversy, at least among the trustees and presidents of community colleges. My approach basically was to have a more precise definition of the powers and duties of the boards of trustees of the community colleges. The agencies which I had to deal with were the county, the state, and the State University. In 1971, having suffered defeat at the hands of the legislature in 1970, I suggested that we take a less broad approach to revision of New York law and that we simply do two things: 1) mandate that the college board of trustees is the employer and therefore, the body with whom the faculty as professional people and the non-professional staff would deal in terms of negotiating contracts and dealing in terms of college admininstration, and 2) the college board of trustees would be the responsible agency for actually administering the college in terms of preparing the budget and carrying out the budget but, nevertheless, having to go to both the county as well as to the state for financial support. In other words, putting on the backs of the nine trustees the responsibility of carrying out the budget once it had been approved.

That got as far as having the State University trustees approve the recommendation and forward it to the governor in March, 1971, but, unfortunately, the legislature was about half through its session and the governor decided this was such a controversial matter that it could not be dealt with until fall, 1971. In 1972 nothing much happened during the spring but in August, Ernest Boyer, Chancellor of the University, appointed a task force, as most educators seem to want to do when you cannot cope with a problem, to study the matter. I was one of two lay trustees named to the task force. It was headed by Charles W. Ingler, known as Bill Ingler. We produced, this time a much less weighty document in 1973 and that report which was first published in January received a great deal of attention. There was a great deal of study on the part of faculty, on the part of students, but most importantly, on the part of the County Officers Association which, for the first time, formally and aggressively raised its collective head and asked, in effect: what are you doing to our community colleges? The counties then, all of a sudden, expressed themselves in a very positive way saying that these are our colleges; we are terribly proud of them; we do not want state domination and state control; we want control of the community colleges to remain here and since we have put up money for the community colleges, we want to retain our present authority.

One of the things recommended in the final report of October, 1973, was that the chancellor have an advisory committee on community colleges. He immediately appointed that committee consisting of 11 people of which I was, and am, one. We then went to work and created a report which has now gotten to the point of, I think, almost creating a bill. In May, 1973, after the joint task force report had been distributed statewide, there were enough waves created that Albany finally officially recognized that there was a problem. In the last days of the legislature, the legislature put through, and I think I can publicly say that it was put through at the direction of the governor and by the Director of the Budget,

a mandate to the State University trustees: please come back and tell us by the end of 1973 what to do with the community colleges in terms of finance, in terms of administration, and in terms of governance. It was then that Mr. Boyer, responding to the task force report and to the mandate of the legislature, appointed the Advisors Committee.

The Advisors Committee met all through the Fall, 1973, and came up with a number of specific recommendations, and those recommendations were embodied in a report which the State University trustees adopted and forwarded to the governor just prior to the end of 1973.

There is now before the governor and before some of the senators and assemblymen, a draft bill, which I hope will be introduced within the next week, which will at least partially resolve the problems so eloquently expressed by Dr. Dwyer and Dr. Cahow, this being the legislative and political process.

Third we are recommending an immediate correction in the law which would authorize non-credit remedial vocational preparation in community colleges because, peculiarly enough, although it is a community college there is nothing in our law which authorizes community service and the audit people are taking a dim view of that.

We are also moving ahead in other areas. First, we are suggesting that a uniform budget submission date be established. Second, we are suggesting that financing be on the basis of costs of program. Now that seems to me a very subtle but very real change in governance and finance for the community colleges outside the city of New York because if we are going to get to the point where the state will be financing on the basis of costs of program, then I think we are going to see more control coming through the budgetary process based on the kinds of programs within the community colleges. We are going to see through that budgetary control a kind of control over the effectiveness of the carrying out of those programs.

In conclusion, I might say that my own persuasion is pretty much sympathetic with the view expressed by Dr. Cahow in terms of a very strong local institution with both regional as well as

statewide coordination. I also must say that I feel very strongly that regardless of the way control goes, I feel that financial support for the community college system is misplaced in New York because of the emphasis on county support which you as county taxpayers must realize is basically two things: 1) local sales tax, and 2) even more importantly, local real property tax. I do not think, and this you all realize is not new or unique with me, that support of either public or private higher education should come from the real property taxpayer, and I would today, tomorrow, and have over the last six years asserted strongly that counties should not be responsible for fiscal support of community colleges in this state. With those observations I will conclude my reaction, and as I said when I started, I feel it is very helpful, and very provocative to hear how other people are wrestling with these problems. We certainly have done a lot in the last few years but we have an awful long way to go. Thank you.

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